



**(Dated as of Entered on Docket date above)**

In re: ) Case No. 12-11140 MLB  
 ) Chapter 7  
KENT DOUGLAS POWELL and )  
HEIDI POWELL, ) **ORDER DENYING DEBTORS' MOTION**  
 ) **FOR STAY PENDING APPEAL**  
Debtors. )  
 )

This court previously determined that the domain name, <https://www.heidipowell.com>, was an asset of the bankruptcy estate, and remained an asset of the bankruptcy estate after the initial closing of this case because it had not been scheduled in the original bankruptcy documents; concluded that the Trustee satisfied his duties to adequately market the domain name to obtain adequate value for the estate, given the limited market available for such domain names and given Trustee's negotiations with the buyer, "Arizona Heidi Powell," that resulted in her offer being increased from \$10,000.00 to \$20,000.00; concluded that the domain name was inextricably intertwined with the GoDaddy contract rights, requiring Trustee to sell not just the domain name, but the related GoDaddy contract rights as well; finding that the Trustee gave proper notice to GoDaddy (and to creditors) of his intent to sell the domain name and the related GoDaddy contract rights; concluding that even if a personal services contract is involved in this

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1 matter, GoDaddy.com, LLC waived any objections that it had under 11 U.S.C. §365 by not responding to  
2 the motion for the proposed sale; concluded that Debtors had no permanent right to the use of the domain  
3 name; and concluded that Debtors' privacy concerns were not legal cause to prevent the sale from  
4 happening. Accordingly, the Order Authorizing Sale of Domain Name and the Related Contract Rights  
5 was entered on August 8, 2017.

6 Debtors brought a motion for stay of that order pending appeal. The Trustee objected to the  
7 motion and also moved that Debtors obtain a \$20,000 bond as a condition of any such stay. A hearing was  
8 held on August 22, 2017, at which time the Trustee, Dennis Lee Burman, appeared telephonically and  
9 Jacob DeGraaff, attorney for Debtors, appeared in person with the Debtors. The Court had reviewed the  
10 documents filed by the parties and considered the arguments of the attorneys.

11 The Court orally denied the motion for a stay, having concluded that Debtors had not satisfied the  
12 four-part test for obtaining stays. Now, therefore,  
13

14 The Court's oral ruling on August 22, 2017 is incorporated by reference herein.

15 IT IS ORDERED that the Debtors' motion for stay pending appeal is DENIED.

16 ///END OF ORDER//

17 Presented by:

18 /s/ Dennis Lee Burman

19 \_\_\_\_\_  
20 DENNIS LEE BURMAN, WSBA #7875  
Trustee in Bankruptcy

21 Copy received, approved for entry,  
22 and notice of presentation waived:

23 /s/ Jacob DeGraaff by Dennis Lee Burman  
24 per 8/29/2017 email authorization

25 \_\_\_\_\_  
26 JACOB DEGRAAFF, WSBA #36713  
Attorney for Debtors

**ORDER DENYING DEBTORS' MOTION  
FOR STAY PENDING APPEAL - 2**

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